

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VICKI POPE, et al.,  
Plaintiffs,

v.

UNITED HEALTHCARE INSURANCE  
COMPANY, et al.,  
Defendants.

Case No. [15-cv-03617-MEJ](#)

**ORDER VACATING CMC  
CASE MANAGEMENT ORDER**

Pursuant to Federal Rule of Civil Procedure 16, the Court issues the following Case Management Order. Failure to comply with this Order is cause for sanctions under Rule 16(f). The November 5, 2015 Case Management Conference is VACATED. All questions should be directed to Rose Maher, Courtroom Deputy, at (415) 522-4708.

**SUMMARY OF CASE MANAGEMENT DEADLINES**

Deadline to Seek Leave to Amend Pleadings	12/15/2015
Deadline to Add New Parties	12/15/2015
Deadline to File Cross-Motions for Summary Judgment	3/24/2016
Hearing on Dispositive Motions	4/28/2016 at 10:00 a.m.

**PRETRIAL INSTRUCTIONS**

- A. ADR:** The parties have been referred to mediation.
- B. Deadline to Seek Leave to Amend Pleadings:** December 15, 2015.
- C. Discovery:** Discovery in this ERISA case is limited to the administrative record. All

discovery should be completed through initial disclosures.

**D. Pretrial Motions:** All pretrial motions shall be filed in accordance with Civil Local Rule 7

All dispositive motions shall be filed, served, and noticed by March 24, 2016. The Court shall hear dispositive motions on April 28, 2016 at 10:00 a.m. in Courtroom B, located on the 15th Floor of the Federal Building, 450 Golden Gate Avenue, San Francisco, California.

All summary judgment motions shall comply with the following requirements for statements of facts:

(1) Separate Statement of Facts: Any party filing a motion for summary judgment must file a statement, separate from the motion and memorandum of law, setting forth each material fact on which the party relies in support of the motion. Each material fact in the separate statement must be set forth in a separately numbered paragraph and must refer to a specific admissible portion of the record where the fact finds support (for example, affidavit, deposition, discovery response, etc.). A failure to submit a separate statement of facts in this form may constitute grounds for denial of the motion.

(2) Controverting Statement of Facts: Any party opposing a motion for summary judgment must file a statement, separate from that party's memorandum of law, setting forth: (a) for each paragraph of the moving party's separate statement of facts, a correspondingly numbered paragraph indicating whether the party disputes the statement of fact set forth in that paragraph and a reference to the specific admissible portion of the record supporting the party's position if the fact is disputed; and (b) any additional facts that establish a genuine issue of material fact or otherwise preclude judgment in favor of the moving party. Each additional fact must be set forth in a separately numbered paragraph and must refer to a specific admissible portion of the record where the fact finds support.

(3) Reply Statement of Facts: If the party opposing summary judgment sets forth additional facts, the moving party shall file a statement, separate from the reply brief, with correspondingly numbered paragraphs indicating whether the party admits or disputes the statement of fact set forth in that paragraph and, if disputed, a reference to the specific admissible portion of the record supporting the party's position. Facts that are not already included in the motion and/or opposition are not permitted.

(4) Alternative Procedure: As an alternative to filing a statement of facts and controverting statement of facts, the movant and the party opposing the motion may jointly file a stipulation signed by the parties setting forth a statement of the stipulated facts and the following statement: "The parties agree there is no genuine issue of any material fact." As to any stipulated facts, the parties so stipulating may state that their stipulations are entered into only for

the purpose of the motion for summary judgment and are not intended to be otherwise binding.

**E. Transcripts and Courtroom Technology:**

All parties are instructed to review the information regarding the use of courtroom technology and electronic evidence presentation, which is provided on the Court's web site at <http://cand.uscourts.gov/courtroomtech>, and to prepare accordingly. Questions and/or requests to pre-test equipment should be sent to the courtroom deputy.

If any party will utilize their own video recording equipment or demonstrative devices, a signed order will need to be obtained at least 14 days in advance of the hearing date for the items to clear security.

**IT IS SO ORDERED.**

Dated: October 30, 2015



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MARIA-ELENA JAMES  
United States Magistrate Judge

